

City of Rockaway Beach

P.O. Box 315
Rockaway Beach, Missouri 65740

WENF Rec'd DEC 15 2009

1(417)561-4424 phone
1(417)561-6025 fax
rockawaycity@suddenlinkmail.com

Office of the City Clerk
Water/Sewer Administration
Office of Municipal Court Clerk

December 10, 2009

Elena M. Seon
Environmental Specialist
Compliance and Enforcement Section
State of Missouri
Department of Natural Resources
P.O. Box 176
Jefferson City, Missouri 65102-0176

Dear Ms. Seon:

The City of Rockaway Beach is writing this letter in regards to the letter we received from your office dated November 4, 2009. A copy of this letter is enclosed for your convenience.

We apologize for the delay in responding to your letter of noncompliance with missing parameters.

The City has gone through an operator change at the Waste Water Facility. As of October 1, 2009, Thomas Felton was hired as the operator for the Regional Plant.

I have spoke with Mr. Felton concerning these items missing and we are unable to locate the information that you are requesting at this time. However, we will continue to look for the missing information. We have enclosed a copy of the Certification Statements we submitted in April, 2008. If necessary we will submit Certification Statements for these missing documents.

We, Mr. Felton, City Clerk and myself, spoke at great length concerning the importance of documentation of activities at the sewer plant and turning in all of the necessary reports to the correct offices and on time.

We have adopted some new paper work record keeping procedures and we feel this new procedure will eliminate the problems we had in the past.

If we can be of service to you in any way, please let us know.

Sincerely yours,


Lawrence E. Cline
Mayor

Cc: Thomas Felton – RB Regional Plant
Ms. Cindy Davies, Southwest Regional Office DNR
Ms. Cynthia Sans, EPA
Ms. Paul Dickerson, Water Protection Program



Jeremiah W. (Jay) Nixon, Governor • Mark N. Templeton, Director

DEPARTMENT OF NATURAL RESOURCES

www.dnr.mo.gov

November 4, 2009

The Honorable Lawrence Cline
Mayor of Rockaway Beach
2762 SH 176
P.O. Box 315
Rockaway Beach, MO 65740

Re: Rockaway Beach Wastewater Treatment Facility, Taney County, MO-0108162

Dear Mayor Cline:

The City of Rockaway Beach (city) is in violation of its Missouri State Operating Permit MO-0108162 for failing to submit complete Discharge Monitoring Reports, Biochemical Oxygen Demand, flow, ammonia, phosphorus, pH, Total Suspended Solids, and oil & grease are missing for the months of August - December 2007 and April 2008; oil & grease is missing for the month of January 2008; and fecal coliform is missing for the month of April 2008. Failure to submit complete Discharge Monitoring Reports is a violation of Section 644.076.1, RSMo, and 10 CSR 20-7.015(9)(A)1.

It is requested that the city explain the reason for the noncompliance and identify what actions have been taken or will be taken to assure there are no further violations. Enforcement action will be initiated if the city fails to correct these violations. Please respond within 10 days of receipt of this letter.

If you have any questions regarding this letter, you may contact me at P.O. Box 176, Jefferson City, Missouri 65102-0176 or (573) 751-9391 or by fax (573) 522-9920.

Sincerely,

WATER PROTECTION PROGRAM

A handwritten signature in black ink, appearing to read "Elena M. Seon".

Elena M. Seon, Environmental Specialist III
Compliance and Enforcement Section

EMS/bv

c: Ms. Cindy Davies, Southwest Regional Office
Ms. Cynthia Sans, Environmental Protection Agency
Mr. Paul Dickerson, Water Protection Program
Mr. Buck Godley, City of Rockaway Beach

CITY OF ROCKAWAY BEACH
Rockaway Beach, Missouri

Office of the City Clerk
P.O. Box 315
Telephone (417) 561-4424
Fax (417) 561-6025
rockawaycity@suddenlinkmail.com

April 29, 2008

CERTIFICATION STATEMENT

I certify under penalty of law that I am responding to this information request truthfully. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment knowing violations.

By my signature I certify that the following documents requested by the United States Environmental Protection Agency have been researched and found not to be in the possession of the City of Rockaway Beach, Missouri.

Document Title: Bench Sheets for February 2, 4, 7, 9, 18, and 24, 2005.


Mayor Lawrence E. Cline

5/1/08
Date

WENF Rec'd NOV 09 2009



Jeremiah W. (Jay) Nixon, Governor • Mark N. Templeton, Director

DEPARTMENT OF NATURAL RESOURCES

www.dnr.mo.gov

November 4, 2009

The Honorable Lawrence Cline
Mayor of Rockaway Beach
2762 SH 176
P.O. Box 315
Rockaway Beach, MO 65740

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Sincerely,

WATER PROTECTION PROGRAM

A handwritten signature in black ink, appearing to read "Elena M. Seon".

Elena M. Seon, Environmental Specialist III
Compliance and Enforcement Section

EMS/bv

c: Ms. Cindy Davies, Southwest Regional Office
✓ Ms. Cynthia Sans, Environmental Protection Agency
Mr. Paul Dickerson, Water Protection Program
Mr. Buck Godley, City of Rockaway Beach



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City of Rockaway Beach

P.O. Box 315
Rockaway Beach, Missouri 65740

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rockawaycity@suddenlinkmail.com

Office of the City Clerk
Water/Sewer Administration
Office of Municipal Court Clerk

October 20, 2009

State of Missouri Department of Natural Resources
Regional Office
2040 West Woodland
Springfield, Missouri 65807-5912

Attention: Lana Cypret – Technical Assistant

Dear Ms. Cypret:

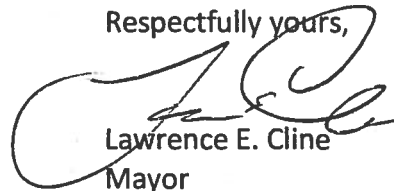
On September 31, 2009, Allen Bush was relieved of his position as the plant manager for the Rockaway Beach Regional Sewer Plant. The position was filled with Thomas Felton, a Class A sewer operator.

We are aware that the Discharge Monitoring Report that was to have been submitted in October for September, 2009, has not been submitted.

We have repeatedly attempted to contact Allen to get this report and the supporting documents; however these attempts have not been successful.

We are continuing to pursue this matter and will let you know as soon as we are able to get the information.

Respectfully yours,



Lawrence E. Cline
Mayor

Cc: US Environmental Protection Agency
Region 7 – Ms. Cynthia Sans ✓
Missouri Department of Natural Resources
Enforcement Section – Kevin Mohammadi, Chief

City of Rockaway Beach

P.O. Box 315
Rockaway Beach, Missouri 65740

WENF-Rec'd OCT 14 2009

1(417)561-4424 phone
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rockawaycity@suddenlinkmail.com

Office of the City Clerk
Water/Sewer Administration
Office of Municipal Court Clerk

October 7, 2009

State of Missouri Department of Natural Resources
Regional Office
2040 West Woodland
Springfield, Missouri 65807-5912

Attention: Lana Cypret – Technical Assistant

Dear Ms. Cypret:

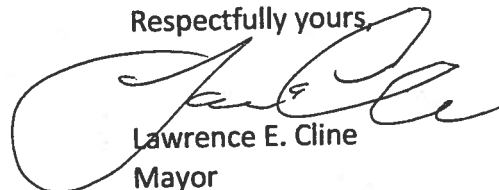
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We are aware that the Discharge Monitoring Report that was to have been submitted in September for August, 2009, has not been submitted.

We have repeatedly attempted to contact Allen to get this report and the supporting documents; however these attempts have not been successful.

We are continuing to pursue this matter and will let you know as soon as we are able to get the information.

Respectfully yours,



Lawrence E. Cline
Mayor

Cc: US Environmental Protection Agency
Region 7 – Ms. Cynthia Sans
Missouri Department of Natural Resources
Enforcement Section – Kevin Mohammadi, Chief

WENF Rec'd AUG 17 2009



Jeremiah W. (Jay) Nixon, Governor • Mark N. Templeton, Director

DEPARTMENT OF NATURAL RESOURCES

www.dnr.mo.gov

July 27, 2009

The Honorable Lawrence Cline
Mayor of Rockaway Beach
P.O. Box 315
Rockaway Beach, MO 65740

Re: Rockaway Beach Wastewater Treatment Facility, Taney County, MO-0108162

Dear Mayor Cline:

The City of Rockaway Beach (city) is in violation of its Missouri State Operating Permit MO-0108162 for failing to submit complete Discharge Monitoring Reports, Biochemical Oxygen Demand, flow, ammonia, phosphorus, pH, Total Suspended Solids, and oil & grease are missing for the month August 2007; WET tests and fecal coliform are missing for the month September 2007; oil & grease is missing for the months of January and March 2008; and all of December 2007 and April 2008 are missing. Failure to submit complete Discharge Monitoring Reports is a violation of Section 644.076.1, RSMo, and 10 CSR 20-7.015(9)(A)1.

It is requested that the city explain the reason for the noncompliance and identify what actions have been taken or will be taken to assure there are no further violations. Enforcement action will be initiated if the city fails to correct these violations. Please respond within 10 days of receipt of this letter.

If you have any questions regarding this letter, you may contact me at P.O. Box 176, Jefferson City, Missouri 65102-0176 or (573) 751-9391 or by fax (573) 522-9920.

Sincerely,

WATER PROTECTION PROGRAM

Elena M. Seon, Environmental Specialist III
Compliance and Enforcement Section

EMS/bv

c: Ms. Cindy Davies, Southwest Regional Office
✓ Ms. Cynthia Sans, Environmental Protection Agency
Mr. Paul Dickerson, Water Protection Program

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Jeremiah W. (Jay) Nixon, Governor • Mark N. Templeton, Director

DEPARTMENT OF NATURAL RESOURCES

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July 13, 2009

LETTER OF WARNING

The Honorable Larry Cline, Mayor
City of Rockaway Beach
P.O. Box 315
Rockaway Beach, MO 65616

Dear Mayor Cline:

This is in response to recent compliance sampling conducted by Chris Radcliffe of the Environmental Services Program from Jefferson City and an Environmental Concern investigation by Gregory S. Perkins, P.E. of the Missouri Department of Natural Resources – Southwest Regional Office (SWRO).

Please find enclosed a copy of the Results of Sample Analysis for samples obtained during the compliance sampling visit. The results indicate the facility was in non-compliance with Missouri State Operating Permit limitations for Total Phosphorus. This constitutes a violation of Missouri Clean Water Law Sections 644.051.1(3) and 644.076.1, RSMO for which this Letter of Warning is being issued. In the previous inspection report it was requested the City of Rockaway Beach submit an operational plan for the wastewater treatment facility. To date, this office has not received the plan. **Please finalize and submit the plan by August 3, 2009**

This office received an Environmental Concern concerning the bypassing of raw sewage from the wastewater treatment facility. An investigation was made on June 10, 2009 by Gregory S. Perkins, P.E. of the SWRO. Dried remnants of the bypass were observed on the grounds of the wastewater treatment facility. The bypass resulted from the automatic barscreen tripping out and two sand filters were backwashing at the same time which hydraulically overloaded the wastewater treatment facility. This bypass constitutes a violation of Missouri Clean Water Law sections 644.051.1(1) and 644.076.1, RSMo., for which this Letter of Warning is also being issued.

A review of our files indicates the City of Rockaway Beach failed to notify this office of the above mentioned bypass as required by Missouri State Operating Permit MO-0108162, Standard Conditions Part I, Section B, Item 2.b. Failure to report the bypass constitutes a violation of Missouri Clean Water Law Section 644.051.1, RSMo., for which this Letter of Warning is also being issued.



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City of Rockaway Beach
July 13, 2009
Page 3



Location: City of Rockaway Beach Wastewater Treatment Facility
Photographer: Gregory S. Perkins, P.E.
Comments: Spilled material around the aeration basin

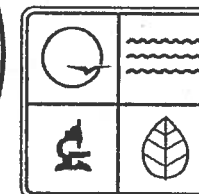


Location: Rockaway Beach Wastewater Treatment Facility
Photographer: Gregory S. Perkins, P.E.
Comments: Spilled material around the influent structure



Missouri Department of Natural Resources

Environmental Services Program



Order ID: 090417004

Program, Contact: WPCB, Lance Dorsey

Report Date: 5/5/2009

LDPR: FECMP

Order Comment:

Sample: 090417004-01

Facility ID: MO0108162

Site: Rockaway Beach WWTF

Customer # : 0913091

County: Taney

Sample Reference ID:

Collect Date: 4/16/2009



Collector: Chris Radcliffe

Affiliation: ESP

Collect Time: 9:26 AM

Matrix: Nonpotable Water

Sample Comment: 24-hour Composite from outfall #001. Operator reported possible lightning strike on Monday that has affected the phosphorous removal and UV processes.

Test	Parameter	Result	Qualifier	Units	QC BatchID	Method
Biochemical Oxygen Demand	Biochemical Oxygen Demand	2.25		mg/L	Q90422-03	SM 5210-B
Non-Filterable Residue	Non-Filterable Residue	5.00	ND	mg/L	Q90422-04	SM 2540-D

Sample: 090417004-02

Facility ID: MO0108162

Site: Rockaway Beach WWTF

Customer # : 0913092

County: Taney

Sample Reference ID:

Collect Date: 4/16/2009



Collector: Chris Radcliffe

Affiliation: ESP

Collect Time: 9:10 AM

Matrix: Nonpotable Water

Sample Comment: Grab from outfall #001. Operator reported possible lightning strike on Monday that has affected the phosphorous removal and UV processes.

Test	Parameter	Result	Qualifier	Units	QC BatchID	Method
Field pH	pH	7.21		pH Units		EPA 150.1
Field Temperature	Temperature	14.8		degrees C		EPA 170.1
Oil And Grease	Oil and Grease	1.00	ND	mg/L	Q90421-05og	1664
Total Phosphorus	Total Phosphorus	3.35		mg/L	Q90428-06tp	EPA 365.4

Sample: 090417004-03

Facility ID: MO0108162

Site: Rockaway Beach WWTF

Customer # : 0913093

County: Taney

Sample Reference ID:

Collect Date: 4/15/2009



Collector: Chris Radcliffe

Affiliation: ESP

Collect Time: 11:00 AM

Matrix: Nonpotable Water

Sample Comment: Grab from outfall #001.

Test	Parameter	Result	Qualifier	Units	QC BatchID	Method
Fecal Coliform	Fecal Coliform	<10		cfu/100ml		SM 9222

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Jeremiah W. (Jay) Nixon, Governor • Joseph P. Bindbeutel, Acting Director

DEPARTMENT OF NATURAL RESOURCES

www.dnr.mo.gov

January 29, 2009

The Honorable Lawrence Cline, Mayor
City of Rockaway Beach
P.O. Box 315
Rockaway Beach, MO 65740

Re: Rockaway Beach Wastewater Treatment Facility, Taney County, MO-0108162

Dear Mayor Cline:

The City of Rockaway Beach is in violation of its Missouri State Operating Permit MO-0108162 for failing to submit complete discharge monitoring reports for outfall 001 for the months of July – October and December 2007 and January – April 2008. Failure to submit complete discharge monitoring reports is a violation of Section 644.076.1, RSMo, and 10 CSR 20-7.015(9)(A)1.

It is requested that the City explain the reason for the noncompliance and identify what actions have been taken or will be taken to assure there are no further violations. Enforcement action will be initiated if the City fails to correct these violations. Please respond within ten (10) days of receipt of this letter.

If you have any questions regarding this letter, you may contact me at P.O. Box 176, Jefferson City, Missouri 65102-0176 or (573) 751-9391 or by fax (573) 522-9920.

Sincerely,

WATER PROTECTION PROGRAM

A handwritten signature in black ink, appearing to read "Elena M. Seon", is written over the typed name.

Elena M. Seon
Environmental Specialist III

EMS/cmh

c: Ms. Cindy Davies, Southwest Regional Office
Ms. Cynthia Sans, Environmental Protection Agency
Mr. Paul Dickerson, Water Protection Program



Matt Blunt, Governor • Doyle Childers, Director

DEPARTMENT OF NATURAL RESOURCES

www.dnr.mo.gov

December 18, 2008

LETTER OF WARNING

The Honorable Larry Cline, Mayor
City of Rockaway Beach
P.O. Box 315
Rockaway Beach, MO 65616

Dear Mayor Cline:

Enclosed you will find an inspection report for the wastewater treatment facility serving the City of Rockaway Beach. I believe the report is self-explanatory and trust you will address any unsatisfactory features noted, as well as any recommendations contained therein.

Please find enclosed a copy of the Results of Sample Analysis for samples obtained during the inspection. **The results indicate the facility was in non-compliance with Missouri State Operating Permit limitations for Total Phosphorus.** This constitutes a violation of Missouri Clean Water Law Sections 6440.051.(3) and 644.076.1, RSMO for which the Letter of Warning is being issued.

The chemical addition equipment was not in operation upon the Department of Natural Resources arrival either day. This was in all likelihood the reason for the non-compliance noted above. The City of Rockaway Beach has failed to properly operate and maintain the wastewater treatment facility. Failure to properly operate and maintain the facility constitutes a violation of Missouri Clean Water Law Sections 644.051.1(3) and 644.076.1, RSMo for which the Letter of Warning is also being issued. **Within 60 days of receipt of this inspection report, the City of Rockaway Beach must submit an operational plan for ensuring the continued operation of all equipment and a commitment by the City of Rockaway Beach to ensure adequate time is provided to ensure the proper operation and maintenance of the wastewater treatment facility.**

We have reviewed the Intergovernmental Wastewater Agreement and the Modification agreement to Intergovernmental Wastewater Agreement provided during the inspection. Please note the following concerns:

1. The Intergovernmental Wastewater Agreement and the Modification Agreement to Intergovernmental Wastewater Agreement does not appear to determine who is responsible for the monthly sampling for Biochemical Oxygen Demand and Total Suspended Solids for each contributor. Is this information being collected and is it available for review? This sampling must be done by 24-hour composite sampler. We also believe that oil and grease, total phosphorus, and total ammonia as Nitrogen should

MISSOURI DEPARTMENT OF NATURAL RESOURCES
REPORT ON INSPECTION
WASTEWATER TREATMENT FACILITY SERVING
CITY OF ROCKAWAY BEACH
MISSOURI STATE OPERATING PERMIT MO-0108162
TANEY COUNTY, MISSOURI

December 18, 2008

INTRODUCTION

On October 28-29, 2008, Gregory S. Perkins, P.E. of the Missouri Department of Natural Resources – Southwest Regional Office conducted a routine inspection of the wastewater treatment facility serving the City of Rockaway Beach. The purpose of the inspection was to assess compliance with the Missouri Clean Water Law, Missouri Clean Water Commission (MCWC) regulations and the facility's Missouri State Operating Permit (MSOP). The inspection also served to promote proper operation and to provide technical assistance where necessary.

WASTEWATER TREATMENT FACILITY DESCRIPTION

The facility operates under MSOP number MO-0108162 which expires on August 29, 2011. The treatment facility outfall 001 is composed of an influent pump station, an influent structure with screening, an anoxic-anaerobic selector basin, two aeration basins with aeration being provided by three blowers and two motive pumps per basin, two secondary clarifiers, tertiary filtration, ultraviolet disinfection, and sludge holding and thickening facilities. The system has a Design Flow capacity of 0.6 million gallons per day. Sludge is retained in the sludge holding basin until disposal by land application. The facility discharges to Lake Taneycomo which is Class L2, 303(d) stream. The facility has a Design Population Equivalent of 6,000.

COMPLIANCE EVALUATION

1. Please find enclosed a copy of the Results of Sample Analysis for samples obtained during the inspection. The results indicate the facility was in non-compliance with MSOP limitations for Total Phosphorus.
2. A review of the Discharge Monitoring Reports indicate the City of Rockaway Beach failed to comply with MSOP limitations for total phosphorus in July and August 2008 and failed to submit Discharge Monitoring Reports for the months of April 2008 and December 2007.
3. A review of the monthly Discharge Monitoring Reports indicates a significantly high concentration of influent Biochemical Oxygen Demand and Total Suspended Solids.
4. The City of Rockaway Beach is not maintaining records of sample collection and analysis as required by MSOP Standard Condition Part I, Section A, item 5.a., in

Intergovernmental Wastewater Agreement does not appear to determine who is responsible for the monthly sampling for Biochemical Oxygen Demand and Total Suspended Solids for each contributor. Is this information being collected and is it available for review? This sampling must be done by 24-hour composite sampler. We also believe that oil and grease, total phosphorus, and total ammonia as Nitrogen should be included with the monthly sampling as these parameters can directly affect the operation, maintenance, and compliance of the wastewater treatment facility. The City of Rockaway Beach is reminded that as the permitted facility, it is the city's responsibility to ensure that all provisions of the Intergovernmental Wastewater Agreement and the Modification Agreement to Intergovernmental Wastewater Agreement are complied with by all entities.

The City of Rockaway Beach is not maintaining records of sample collection and analysis as required by MSOP Standard Condition Part I, Section A, item 5.a. In particular, the exact location of sampling or measurement and the signature of the sample collector/analyst were not being recorded. Every sample that is collected or analyzed whether for operational testing or compliance monitoring must have the information.

The Alum solution pump was not operational upon arrival of either days of the inspection. This is the probable reason for the noncompliance with the Total Phosphorus limitation from the samples collected during the inspection.

The laboratory analytical balance has not been certified by a factory authorized representative to ensure the proper operation, maintenance, and accuracy. This must be done yearly with documentation of the inspection maintained for inspection purposes.

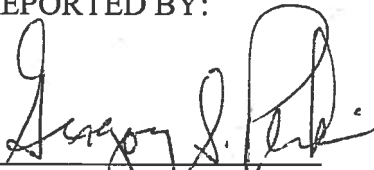
The laboratory has a set of weights but it was unknown whether they were ASTM Class I weights. The laboratory balance must be periodically checked to ensure that it is properly measuring the materials being weighed. We recommend the City of Rockaway Beach obtain a minimum of three ASTM Class I weights in the range of weights routinely being measured. The date, time, signature of the person checking the balance, and the results must be recorded in ink and maintained for inspection purposes.

The second selector basin was being used as a grit removal tank. This may also be a reason for the non-compliance with the Total Phosphorus limitation. This tank must be cleaned out and placed back into service for its intended purpose. The City of Rockaway Beach must consider the installation of grit removal facilities for the protection of downstream components.

Report on Inspection
City of Rockaway Beach
December 18, 2008
Page 5

11. Report all bypasses from the wastewater collection and treatment facility.
12. Cleanup all material from bypasses from the wastewater collection and treatment facility.

REPORTED BY:



Gregory S. Perkins, P.E.
Environmental Engineer
Southwest Regional Office

APPROVED BY:



Gale L. Roberts, P.E., Chief
Water Pollution Engineering Unit
Southwest Regional Office

Report on Inspection
City of Rockaway Beach
December 18, 2008
Page 6



Location: City of Rockaway Beach Wastewater Treatment Facility
Photographer: Gregory S. Perkins, P.E.
Comments: Spilled material around the aeration basin



Location: Rockaway Beach Wastewater Treatment Facility
Photographer: Gregory S. Perkins, P.E.
Comments: First selector basin



Location: City of Rockaway Beach Wastewater Treatment Facility
Photographer: Gregory S. Perkins, P.E.
Comments: Final clarifier



Location: Rockaway Beach Wastewater Treatment Facility
Photographer: Gregory S. Perkins, P.E.
Comments: Final clarifier with significant algal growth

Report on Inspection
City of Rockaway Beach
December 18, 2008
Page 10



Location: City of Rockaway Beach Wastewater Treatment Facility
Photographer: Gregory S. Perkins, P.E.
Comments: Sand filtration basin

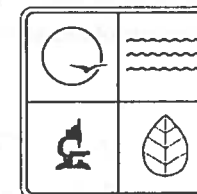


Location: Rockaway Beach Wastewater Treatment Facility
Photographer: Gregory S. Perkins, P.E.
Comments: Ultraviolet disinfection system



Missouri Department of Natural Resources

Environmental Services Program



Order ID: 081030003

Program, Contact: WPCB, Lance Dorsey

Report Date: 11/19/2008

LDPR: FEINS

Order Comment:



Sample: 081030003-01

Facility ID: MO0108162

Site: Rockaway Beach

Customer # : 0812271

County: Taney

Sample Reference ID:



Collector: Gregory S. Perkins

Affiliation: SWRO

Matrix: Nonpotable Water

Sample Comment: WWTF outfall past UV disinfection, 24-hour composite.

Test	Parameter	Result	Qualifier	Units	QC BatchID	Method
Biochemical Oxygen Demand	Biochemical Oxygen Demand	2.00		mg/L	Q81104-05bod	SM 5210-B
Non-Filterable Residue	Non-Filterable Residue	5.00	ND	mg/L	Q81104-06nfr	SM 2540-D
Total Phosphorus	Total Phosphorus	5.12		mg/L	Q81114-05	EPA 365.4

Sample: 081030003-02

Facility ID: MO0108162

Site: Rockaway Beach

Customer # : 0812272

County: Taney

Sample Reference ID:

Collect Date: 10/29/2008



Collector: Gregory S. Perkins

Affiliation: SWRO

Collect Time: 12:45 PM

Matrix: Nonpotable Water

Sample Comment: WWTF outfall 001, grab past UV disinfection.

Test	Parameter	Result	Qualifier	Units	QC BatchID	Method
Ammonia as N	Ammonia as N	0.03	05	mg/L	Q81105-07	EPA 350.1
Field pH	pH	7.30		pH Units		EPA 150.1
Field Temperature	Temperature	19.4		degrees C		EPA 170.1
Oil And Grease	Oil and Grease	1.00	ND	mg/L	Q81106-04og	1664



CONSULTING ANALYTICAL SERVICES INTERNATIONAL, INC.

2804 EAST BATTLEFIELD • SPRINGFIELD, MISSOURI 65804-4014 • 417.882.1017 • 417.882.1018

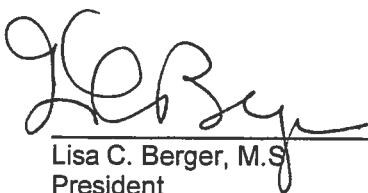


MISSOURI DEPARTMENT OF NATURAL RESOURCES

2040 West Woodland
Springfield, Missouri 65807

Attention: Mr. Kevin Hess

CaSi File/Case/Log Number	0670/083290/2356
Site	Rockaway Beach
Sample Identity	0812273
Permit Number	MO-0108162
Collection Date/Time	10-29-08, 12:45
Receipt in Lab Date/Time	10-29-08, 16:12
Collector's Initials	GSP
Sample Treatment/Preservative	UV/Na ₂ S ₂ O ₃ /Ice
Analysis Initiated Date/Time	10-29-08, 17:08
Analysis Complete Date/Time	10-30-08, 17:18
Fecal Coliform, CFU/100 milliliters, 9222 D	<10
E. Coli, MPN/100 milliliters, 9221 F	<10
Comments	


Lisa C. Berger, M.S.
President

11-11-08
Date



Matt Blunt, Governor • Doyle Childers, Director

DEPARTMENT OF NATURAL RESOURCES

www.dnr.mo.gov

October 29, 2008

The Honorable Lawrence Cline, Mayor
City of Rockaway Beach
P.O. Box 315
Rockaway Beach, MO 65740

Re: Rockaway Beach Wastewater Treatment Facility, Taney County, MO-0108162

Dear Mayor Cline:

The City of Rockaway Beach is in violation of its Missouri State Operating Permit MO-0108162 for failing to submit complete discharge monitoring reports for the months of July – October and December 2007 and January – April 2008. Failure to submit complete discharge monitoring reports is a violation of Section 644.076.1, RSMo, and 10 CSR 20-7.015(9)(A)1.

It is requested that the City explain the reason for the noncompliance and identify what actions have been taken or will be taken to assure there are no further violations. Enforcement action will be initiated if the City fails to correct these violations. Please respond within ten (10) days of receipt of this letter.

If you have any questions regarding this letter, you may contact me at P.O. Box 176, Jefferson City, Missouri 65102-0176 or (573) 751-9391 or by fax (573) 522-9920.

Sincerely,

WATER PROTECTION PROGRAM

Elena M. Seon
Environmental Specialist III

EMS/cmh

c: Ms. Cindy Davies, Southwest Regional Office
Ms. Cynthia Sans, Environmental Protection Agency

WENF-Rec'd NOV 06 2008



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

September 26, 2008

Barney Naioti, Esq.
P.O. Box 7238
Branson, MO 65615

Re: City of Rockaway Beach, Missouri
For Settlement Purposes Only

Dear Mr. Naioti:

This is to confirm our conversation this morning when you and Mayor Cline spoke with EPA Compliance Officer Cynthia Sans and me about the steps necessary to settle the violations of the Clean Water Act by the City of Rockaway Beach (City). We reviewed for you the outstanding compliance issues and offered the City a settlement of the penalty, provided that the City comes into compliance with the Findings of Violation/Order for Compliance Docket No. CWA -07-2008-0031 (Order) no later than October 10, 2008.

Specifically, Cynthia reviewed Paragraphs 33 through 36 of the Order and indicated to you actions required by those paragraphs, described below.

Paragraph 33: The City has not submitted a sludge report for 2007. The City should send a letter to MDNR with a copy to EPA describing its inability to provide the 2007 sludge report and verify that there are now systems in place to prevent this from recurring.

Paragraph 34: March 2008, June 2008, and September 2008 Discharge Monitoring Reports (DMRs) and all other information required by this paragraph must be sent to EPA.

Paragraph 35: The City must send a copy to EPA of the Inflow & Infiltration (I & I) report which the City sent to MDNR in April 2008.

Paragraph 31/36: The City must provide EPA a letter stating whether i) all Operation & Maintenance (O & M) and other violations have been addressed; ii) all equipment repaired and in working order; iii) all items addressed in the City's September 19, 2007 letter to Joe Joslin have been repaired/purchased; and v) the U.V. equipment functioning properly.

WENF-Rec'd SEP 29 2008

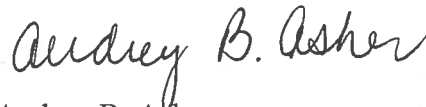


addressed in the City's September 19, 2007 letter to Joe Joslin have been repaired/purchased; and v) the U.V. equipment functioning properly.

As I indicated when we spoke today, EPA has adjusted the proposed penalty of \$157,500 which was set forth in EPA's April 25, 2008 letter and applied its national policy that takes into account the City's status as a municipality. Through that consideration, EPA reduced the penalty to \$14,000. EPA then considered the City's ability to pay, based on the documents the City had submitted. The ability-to-pay analysis forms the basis for EPA's offer to settle the penalty at this time for a total payment of \$3000.00. This offer is premised on the City's coming into compliance with the Order discussed above and is offered for settlement purposes only. This offer will expire if compliance with the Order is not demonstrated by submitting the appropriate documents no later than October 10, 2008. Assuming that all appropriate documents are submitted by October 10th, I will prepare a document that embodies the agreement on the penalty amount. Alternatively, if compliance is not achieved by October 10, 2008, EPA will consider additional penalties associated with failure to comply with the Compliance Order.

We look forward to receiving your response and resolving this matter within the next few months.

Sincerely,



Audrey B. Asher
Senior Assistant Regional Counsel

cc: Cynthia Sans, WWPD



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

August 27, 2008

Barney Naioti, Esq.
P.O. Box 7238
Branson, MO 65615

Re: City of Rockaway Beach, MO
Request for Additional Information

Dear Mr. Naioti:

The United States Environmental Protection Agency (EPA) is evaluating the financial information submitted by the City of Rockaway Beach to determine its ability to pay a civil penalty for its violations of the Clean Water Act. Pursuant to Section 308 of the Clean Water Act, 33 U.S.C. § 1318, EPA is requesting additional information in order that we may complete the financial analysis.

Please arrange for the City of Rockaway Beach to provide complete financial statements, including balance sheets, for the years 2006 and 2007. The City's prior submittal provided the trial balances.

We ask that you submit these documents by September 17, 2008. You may reach me at 913.551.7255 if you have any questions regarding this request.

Sincerely,

A handwritten signature in cursive script that reads "Audrey B. Asher".

Audrey B. Asher
Senior Counsel

cc: Cynthia Sans, WWPB



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

VIA ELECTRONIC AND REGULAR MAIL

May 19, 2008

Barney Naioti, Esq.
P.O. Box 7238
Branson, MO 65615

Re: City of Rockaway Beach, Missouri
Pre-Filing Negotiations and
Findings of Violation/Order for Compliance
Docket No. CWA -07-2008-0031

Dear Mr. Naioti:

This is a follow-up to the conversation we had today regarding the status of pre-filing negotiations to resolve the penalty for violations of the Clean Water Act by the City of Rockaway Beach (City) and to address compliance issues with the above-captioned Order recently issued by the U.S. Environmental Protection Agency (EPA) to the City.

Pre-Filing Negotiations

On April 29, 2008, I transmitted to you by electronic mail an ability to pay form for the City to complete in order that EPA may take into account its financial circumstances in EPA's calculation of a penalty. The 60-day pre-filing negotiation period will expire on June 30, 2008. In order for EPA to have sufficient time to evaluate the City's financial condition, we will need the ability-to-pay form completed and submitted to me no later than June 2, 2008. Please advise your client that the opportunity to reduce the penalty for quick settlement may not be available if that timeline is not met.

Findings of Violation/Order for Compliance Docket No. CWA -07-2008-0031

On February 5, 2008, EPA transmitted to the City the administrative order captioned above (Order). A copy is enclosed with this letter. The Order requires the City to submit certain deliverables within a specified timeframe. EPA has not received a number of the required submittals. The following matters should be addressed immediately:

Paragraph 33: The City has not submitted a sludge report for 2007. EPA understands that the only information the City has pertains to the number of loads hauled from the plant in 2007. The City should send a letter to

MDNR with a copy to EPA describing its inability to provide the 2007 sludge report and verify that there are now systems in place to prevent this from recurring.

Paragraph 34: January and February 2008 Discharge Monitoring Reports (DMRs) and all other information required by this paragraph should have been sent to EPA on March 10, 2008. The City must send the March, April and May 2008 DMRs and other information required by Paragraph 34 by June 10, 2008.

Paragraph 35: The City must send a copy to EPA of the Inflow & Infiltration (I & I) report which the City sent to MDNR in April 2008.

Paragraph 31/36: The City must provide EPA a letter stating whether i) all Operation & Maintenance (O & M) and other violations have been addressed; ii) all equipment repaired and in working order; iii) all items addressed in the City's September 19, 2007 letter to Joe Joslin have been repaired/purchased; and v) the U.V. equipment functioning properly.

Please note that failure to comply with this Order may result in a separate violation of the Clean Water Act for which EPA could seek additional penalties.

Sincerely,



Audrey B. Asher

Senior Assistant Regional Counsel

enclosure

cc: Cynthia Sans, WWPD